

Mayor and Councillors
COUNCIL

12 MARCH 2015

Meeting Status: **Public**

Purpose of Report: For Decision

**WAIKANAЕ COMMUNITY BOARD BY-ELECTION - ORDER OF
CANDIDATE NAMES ON THE VOTING DOCUMENTS**

PURPOSE OF REPORT

- 1 This report seeks a decision from Council on the order in which candidate names are to be shown on the voting documents for the Waikanae Community Board by-election in May 2015.

DELEGATION

- 2 Council may make a decision in this matter.

BACKGROUND

- 3 A by-election is required for the Waikanae Community Board because the Board member Michael Scott won the Waikanae Ward by-election held in February to fill the extraordinary vacancy left by Cr Lloyd's death. Under the provisions of the Local Government Act 2002 a by-election must be held to fill the position on the Community Board because it has become vacant more than 12 months before the next triennial elections. The date of the by-election is 27 May. (See Appendix 1 for extracts from legislation).
- 4 A public notice announcing the by-election and calling for nominations appeared in the Dominion Post on Monday 2 March 2015 and in local newspapers on 4 and 5 March 2015. Nominations close at 12 noon on Tuesday 31 March. If more than one nomination is received an election must be held; if only one nomination is received that candidate will be declared automatically elected and will take office in April.
- 5 In accordance with clause 31(1) of the Local Electoral Regulations 2001 Council *may* make a decision about the order in which candidates' names appear on voting papers. The choices are:
 - In alphabetical order of surname
 - In pseudo-random order
 - In true random order
- 6 More information about each of these options appears below.
- 7 If Council does not wish to make a decision, legislation provides for a default position of alphabetical order of surname.

ISSUES AND OPTIONS

Issues

8 The features of each arrangement are described as follows:

Option 1 – alphabetical order of surname

9 This is self-explanatory and is the option that Council has consistently opted for in relation to triennial elections and by-elections for at least the past four triennia, so voters are familiar with it.

Option 2 – pseudo-random order

10 Under this option, candidate names are drawn randomly to determine the order of names on all voting documents, with the names then being placed on all voting documents in the order in which they are drawn.

11 The Local Electoral Regulations provide that if a local authority endorses this option the Electoral Officer must state, in the public notice required to be given, the date, time and place at which the order the candidate names will be drawn. Any person is then entitled to attend the draw.

Option 3 – random order

12 Under this option the names of the candidates are shown on a different order on every individual voting document, utilising software which effects this differentiation on each ballot. This could potentially confuse some voters when one or more voters in the same household receive different looking voting documents.

13 In the Report of the Justice and Electoral Committee 'Inquiry into the 2013 local authority elections', the Committee recommended that the order of candidate names on all ballot papers be completely randomised because the number of local authorities using alphabetical order was declining and that costs, traditionally an argument against using random order, would not be significantly greater. (See Appendix 2 for the extract from the Committee's report).

CONSIDERATIONS

Policy considerations

14 There are no policy considerations.

Legal considerations

15 There are no additional legal considerations.

Financial considerations

16 The cost of printing the voting documents under option 1 or option 2 are identical. Should the Council adopt option 3 (true random order) there will be some increase in cost, because of the need to individually laser print each voting document rather than having them pre-printed. This additional cost would be approximately \$500.

17 The cost of holding the by-election is estimated as \$25,000.

Tāngata whenua considerations

18 There are no tāngata whenua considerations.

SIGNIFICANCE AND ENGAGEMENT

Degree of significance

19 This matter has a low level of significance under Council policy.

Engagement planning

20 An engagement plan is not needed to implement this decision.

Publicity

21 A media release will be prepared on this decision.

RECOMMENDATIONS

22 That Council resolves that the names of the candidates for the Waikanae Community Board by-election on 27 May 2015 are to be arranged on the voting papers in:

(a) Alphabetical order of surname, OR

(b) Pseudo-random order, OR

(c) True random order

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ATTACHMENTS

Appendix 1	Extracts from relevant legislation
Appendix 2	Extract from the Justice and Electoral Committee's report 'Inquiry into the 2013 Local authority elections'

Local Government Act 2002 - Schedule 7, clause 5

Extraordinary vacancies

- (2) Sections 117 to 120 of the Local Electoral Act 2001 apply to extraordinary vacancies.

Local Electoral Act 2001

Section 88F – what happens if member of local board or community board becomes member of territorial authority

- (1) This section applies if, any any election other than an election to which section 88A applies, a person who is a member oa local board or community board...is declared to be elected as a member of that territorial authority...
- (2) If this section applies, the person declared to be elected as a member of the territorial authority must be treated as having vacated office as a member of the local board or community board.

Section 117 - Extraordinary vacancy in local authority or local board or community board

- (1) If a vacancy occurs in the office of a member of a local authority or in the office of an elected member of a local board or community board more than 12 months before the next triennial general election, the vacancy must be filled by an election under this Act.

Local Electoral Regulations 2001

31 Order of candidates' names on voting documents

- (1) The names under which each candidate is seeking election may be arranged on the voting document in alphabetical order of surname, pseudo-random order, or random order.
- (2) Before the electoral officer gives further public notice under section (65)(1) of the Act, a local authority may determine, by a resolution, which order, as set out in subclause (1), the candidates' names are to be arranged on the voting document.
- (3) If there is no applicable resolution, the candidates' names must be arranged in alphabetical order of surname.
- (4) If a local authority has determined that pseudo-random order is to be used, the electoral officer must state, in the notice given under section 65(1) of the Act, the date, time, and place at which the order of the candidates' names will be arranged and any person is entitled to attend.
- (5) In this regulation-

Pseudo-random order means an arrangement where-

- (a) The order of the names of the candidates is determined randomly; and
- (b) All voting documents use that order

Random order means an arrangement where the order of the names of the candidates is determined randomly or nearly randomly for each voting document by, for example, the process used to print each voting document.

Appendix 2

Extract from the Report of the Justice and Electoral Committee 'Inquiry into the 2013 local authority elections'

Summary of recommendations

[...]

That the order of candidate names on all ballot papers in local authority elections be completely randomised.

Discussion

In its 2010 local authority elections inquiry report the Justice and Electoral Committee of the day recommended that the order of candidate names on all ballot papers be completely randomised. Cabinet agreed to defer work on this until after the 2013 elections.

Candidate order is one of the few electoral decisions that must be made by the sitting elected members. If the elected members make no decision, the Local Electoral Act presumes names on ballot papers should be in alphabetical order. The number of local authorities using alphabetical order is declining, however. In 2013, 21 local authorities ordered ballot papers randomly, and 11 used pseudo-random order (determined by lot, with the same order applied to all ballot papers), slightly more in each category than in 2010. The main argument against random order has traditionally been cost. However, New Zealand Post, as the main printer of electoral documents, expects there will be little or no difference in 2016 between the cost of printing lists in alphabetical order and random order. We would like to see candidate names listed randomly. We consider that documents other than ballot papers need not be randomised.